

PATENT
Customer No. 22,852
Attorney Docket No. 7528.0002-15

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Cyril J. SCHWEICH, Jr. et al.)
Rule 53(b) Continuation of) Parent Information:
Application No.: 09/985,361) Group Art Unit: 3762
Filed: February 14, 2002) Examiner: Unknown
For: HEART WALL TENSION)
REDUCTION APPARATUS)

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

SUBMISSION OF FORMAL DRAWINGS

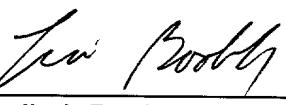
Subject to the approval of the Examiner, please replace the informal drawings with the 3 sheets of formal drawings filed herewith (Figs. 1-6; Figs. 7-13; and Figs. 14-18). If the formal drawings for any reason are not in full compliance with the pertinent statutes and regulations, please so advise the undersigned.

If any fees are necessary for the submission of these formal drawings, please charge our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: February 14, 2002

By: 
Leslie I. Bookoff
Reg. No. 38,084

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Application No. 09/985,361)
Inventors: Cyril J. SCHWEICH, Jr. et al.) Group Art Unit: Not yet assigned
Filed: February 14, 2002) Examiner: Not yet assigned
For: HEART WALL TENSION)
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PRELIMINARY AMENDMENT

Prior to the examination of the above application, please amend this application as follows:

IN THE CLAIMS:

Please cancel claims 1-14, and add the following new claims 15-39:

15. (New) A static device for use with an unrestricted heart having an outer wall and at least one chamber, said device comprising:

a plurality of members configured to be positioned adjacent the epicardial surface of the heart; and

a connector joining the members, and said connector comprises a band configured for extending around the chamber and joining at least two of the members,

wherein said members are fixed in a spaced relationship relative to each other such that at least two portions of the outer wall are displaced inwardly from the unrestricted position.

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16. (New) The device of claim 15, wherein at least one of said members comprises an elongate shape.

17. (New) The device of claim 15, wherein at least one of said members has a shape wherein a length is substantially greater than a width.

18. (New) The device of claim 15, wherein at least one of said members comprises a substantially circular shape.

19. (New) The device of claim 15, said members comprises an inner surface having a convex curved configuration toward the epicardial surface.

20. (New) The device of claim 15, having first and second members, wherein said first and second member are positioned in a spaced relationship relative to each other about 180 degrees apart.

21. (New) The device of claim 15, having a first member configured to be positioned adjacent the anterolateral surface of the chamber, and a second member configured to be positioned adjacent the posteromedial surface of the chamber.

22. (New) The device of claim 15, having a first member configured to be positioned adjacent the anterolateral surface of the chamber, and a second member configured to be positioned adjacent the posterolateral surface of the chamber.

23. (New) The device of claim 15, having first, second and third members, said first, second, and third members are positioned in a spaced relationship relative to each other about 120 degrees apart.

24. (New) The device of claim 23, wherein the first member is configured to be positioned adjacent the anteroseptal portion of the chamber, the second member is configured to be positioned adjacent the posteroseptal portion of the chamber, and the third member is configured to be positioned adjacent the posterolateral portion of the chamber.

25. (New) The device of claim 15, wherein at least one of said members comprises a pad.

26. (New) The device of claim 25, wherein the pad has an inner surface configured to be positioned adjacent the epicardial surface of the heart.

27. (New) The device of claim 15, wherein at least one of said members includes a pad portion.

28. (New) The device of claim 25, wherein the pad comprises a biocompatible material.

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29. (New) The device of claim 15, wherein said connector comprises a clamp.

30. (New) The device of claim 15, wherein the connector comprises a biocompatible material.

31. (New) The device of claim 15, wherein at least one of said members includes an opening.

32. (New) The device of claim 15, wherein the connector comprises a first connector configured to be positioned adjacent the endocardium of the chamber.

33. (New) The device of claim 32, wherein the second connector is curved.

34. (New) A static device for use with an unrestricted heart having an outer wall and at least one chamber, said device comprising,
a plurality of members configured to be positioned adjacent the epicardial surface of the heart; and
a first connector joining the members, the first connector having portions configured to be encased in the tissue of the heart,
wherein said members are fixed in a spaced relationship relative to each other such that at least two portions of the outer wall are displaced inwardly from the unrestricted position.

35. (New) The device of claim 34, wherein the connector is configured to be inserted through a portion of the heart.

36. (New) The device of claim 34, further comprising a second connector.

37. (New) The device of claim 36, wherein the second connector joins the members.

38. (New) The device of claim 37, wherein the second connector has portions configured to be encased in the tissue of the heart.

39. (New) The device of claim 36, wherein the second connector is straight.

REMARKS

By the filing of this Preliminary Amendment, Applicants cancel claims 1-14 and add new claims 15-39. Claims 15, 19, 20, 21, 23, 24, and 34 are identical to claims 1,

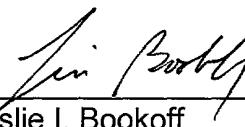
3, 4, 5, 6, 7, and 34, respectively, of U.S. Patent No. 6,190,408 issued on February 20, 2001. New dependent claims 16-18, 22, 25-33, and 35-39, while not identical to claims in that '408 patent, correspond substantially to subject matter of various dependent claims in the '408 patent, including at least dependent claims 2, 5, 8, 9, 13-18, and 35-39. New claims 15-39 are being presented for purposes of interference.

If there is any fee due in connection with the filing of this Preliminary Amendment, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: February 14, 2002

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